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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,090	12/15/2003	Charles D. Hoke	10040070-1	3282

7590 01/24/2006

AGILENT TECHNOLOGIES, INC.
Intellectual Property Administration
Legal Department, DL429
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

VU, PHU

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,090

Applicant(s)

HOKE ET AL

Examiner

Phu Vu

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6, 10-43, 45-52 is/are pending in the application.
- 4a) Of the above claim(s) 3-8 and 19-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18, 45-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant's have argued that the reference would not have produced an electric field parallel to the top plates. However, the references as cited provided a net flow of charges to either a reservoir or a peripheral area, which requires an electric field to be substantially parallel to the top plates. Furthermore applicant's electric field would not be parallel to the top plates at all points within the substrates without an infinite sheet of charge perpendicular to the top plates. At best a field that is substantially parallel like Fujioka or Hatano is achieved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13, 15 and 45-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka et al. US Patent No. 6803976 in view of Hatano et al. US Patent No. 6670753.

Regarding claims 10, 12-13, and 45-46, Fujioka teaches an optical element comprising: a transparent top plate; a substrate comprising an active area, the substrate (fig. 2a element 101) and the top plate collectively (fig. 2a element 202) defining a cavity; a liquid crystal material within the cavity (fig. 2a element 110). Fujioka discloses fails to teach a reservoir defined in at least one of the substrate and the top plate with liquid crystal within the reservoir. Fujioka discloses a separate area with liquid crystal within the cavity however Fujioka does not teach a reservoir. Hatano discloses a flat panel display with a reservoir that comprises a trench (cover fig. element 249) with electrodes operable to attract ion contaminants and a second electrode (cover figure element 146 is 2 electrodes) connectable with the first to receive a potential difference in fluid communication with a cavity to allow for testing of ionized contaminants. While Hatano's material is a phosphor rather than liquid crystal, Hatano's device contaminant reduction system works the same way as applicant's as well as Fujioka's which relies on an electrode to attract ionized contaminants away from the viewing area to a side area (non-illuminated area). The rejection merely relies on the teaching of a reservoir to allow for the testing of ionized contaminants. Furthermore while neither of the references explicitly state that the electrodes are configured to generate a field parallel to the top plate Fujioka requires an electric field substantially parallel to the top

plate to force the ions toward the electrode. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use a reservoir with electrodes to attract ionic components to allow for testing of ionized components.

Regarding claim 11, while neither of the references explicitly show that at least one of the depth and width of the reservoir is at least 50 times the distance between the top plate and the substrate the references do show a reservoir with a width and depth however the dimensions are unspecified. However applicant does not provide any reason in the specification to support a reservoir width or depth 50 times the distance between the top plate and the substrate. Thus, it is considered obvious to one of ordinary skill in the art to use a reservoir with a depth 50 times the distance between the top plate and substrate to prevent contaminant particles from escaping the reservoir. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to make the reservoir depth greater than 50 times the distance between the substrate and top plate to prevent contaminant particles from escaping the reservoir.

Regarding claim 15, Fujioka discloses all the limitations of claim 15 except for a filter that separates the liquid crystal contaminants. Hatano discloses a focus plate (fig. 6 element 106 that influence electric fields thereby helping separating contaminants from other materials (column 4 lines 5-23). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to include a focus plate analogous to applicant's active filter that helps separate contaminants.

Regarding claims 47-52, applicant's claim several electrodes being located "near a furthest point from said top plate", "located in the reservoir" or "on said

substrate." Applicant specification shows a pixel electrode an electrode located on the top plate and electrodes located in the trenches/ reservoirs. The combination of Fujioka and Hatano shows electrodes each of these locations (see claim 1 rejection and Fujioka fig. 2A-2B element 206, 105 and 202).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka and Hatano in view of Kato et al. US Patent No. 5688708.

Regarding claim 14, Fujioka and Hatano disclose all the limitations of claim 14 except the reservoir surrounding the active area. Kato discloses a reservoir surrounding the active area to reduce contamination during sealing and normal operation (see abstract). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to make the reservoir surround the active area to reduce contamination during sealing and normal operation.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka and Hatano in view of Colgan et al. US Patent No. 6424388.

Regarding claim 16 - 18, Fujioka and Hatano disclose all the limitations the claim except the liquid crystal cell illuminated by UV light and is a component in a spatial light modulator. Colgan teaches a spatial light modulator with semiconductor substrate used in patterning spacers that incorporates a liquid crystal cell and serves as a mask in photolithography using UV radiation (see column 9 lines 28-40) that has high optical throughput and contrast (see abstract). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate a liquid crystal cell into a spatial light modulator with semiconductor substrate to provide high optical

throughput and contrast. UV illumination is considered a normal function of a SLM as shown by the reference therefore this limitation is also obvious.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu Vu whose telephone number is (571)-272-1562. The examiner can normally be reached on 8AM-5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu Vu
Examiner
AU 2871


ANDREW SCHECHTER
PRIMARY EXAMINER